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Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules, 2011

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TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 29]

CHENNAI, TUESDAY, JANUARY 25, 2011
Thai 11, Thiruvalluvar Aandu-2042

Part II—Section 2

**Notifications or Orders of interest to a section of the public
issued by Secretariat Departments.**

NOTIFICATIONS BY GOVERNMENT

INDUSTRIES DEPARTMENT

NOTIFICATIONS UNDER THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957.

[G.O. Ms. No. 19, Industries (MMD.1), 25th January 2011.]

No. II(2)/IND/24(j)/2011.

In exercise of the powers conferred by sub-sections (1) and (1-A) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), the Governor of Tamil Nadu hereby published the Tamil Nadu Prevention of Illegal Mining, Transportation and Storage Rule 2011 under Section 23 (C) (1) of Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) for prevention of illegal mining.

2. This order shall come into force with effect from the date of issue of this order.

The Tamil Nadu Prevention of Illegal Mining Transportation and Storage of Minerals and Mineral Dealers' Rules, 2011.

In exercise of the powers conferred by section 23C of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957), the Governor of Tamil Nadu hereby makes the following rules, namely :—

RULES

1. Short title and commencement:—

(1) These rules may be called “the Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules, 2011.

(2) They extend to the whole of the State of Tamil Nadu.

(3) They shall come into force at once.

2. Definitions:—In these rules, unless the context otherwise requires:—

- (i) **“Act”** means the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957);
- (ii) **“Authorised Officer”** means the District Collector of the district concerned or such other officer as may be authorised by the Government;
- (iii) **“carrier”** means any mode of transport by which the mineral is transported from one place to another which includes automotive, person, animal or cart;
- (iv) **“Competent Authority”** means the person as authorised under section 22 of the Act;
- (v) **“Deputy Director”** means Deputy Director of Geology and Mining which shall include Assistant Director of Geology and Mining of the district concerned;
- (vi) **“despatch slip”** means a slip issued by the permit issuing officer empowered to issue such transport permit for transportation of specific quantity of mineral in each carrier;
- (vii) **“Director of Geology and Mining”** shall include **Commissioner of Geology and Mining**;
- (viii) **“Form”** means form set out in the Schedule to these rules;
- (ix) **“Government”** means State Government of Tamil Nadu ;
- (x) **“grantee of registration”** means, holder of registration certificate granted under these rules for the purpose of transporting, storing of minerals or its products;
- (xi) **“rules”** means all rules framed under the Mines and Minerals (Development and Regulation) Act ,1957;
- (xii) **“Quarrying Lease”** means lease granted under the Tamil Nadu Minor Mineral Concession Rules, 1959;
- (xiii) **“minerals”** means all minerals and minor minerals except sand;
- (xiv) **“Mining Lease”** means a lease granted under the Mineral Concession Rules, 1960;
- (xv) **“mineral dealer”** means any person who carries on the business of buying, selling, storing, supplying, transporting distributing or delivering for sale of mineral or its products and includes.
- (xvi) **“stockyard”** means a place where the minerals are stored or stocked out side the lease area;
- (xvii) **“transport permit”** means a permit issued by the permit issuing officer;
- (xviii) **“transit pass”** means a pass issued by the concerned Deputy Director for lawful transportation of any mineral by a carrier from the place of stockyard or from the lease area by the registree under these rules;
- (xix) all other words and expressions used in these rules but not defined shall have the meaning respectively assigned to them in the Act or rules made there under.

3. Prohibition:—(1) No person shall transport or cause to be transported any mineral by any carrier from the place of raising or from the place of stockyard or from one place to another without having a valid transit pass.

(2) No person other than the mineral dealer shall store or cause to be stored any mineral at any place for purposes of sale or consumption.

(3) No mineral dealer shall store any mineral other than the place specified in the registration certificate granted under these rules :

Provided that no person purchasing and transporting minerals for use or consumption by himself and such use or consumption does not involve any commercial activity and any holder of a mining lease or a quarry lease in respect of the minerals for which he holds a lease, shall not be required to register himself as a dealer.

4. Grant of Registration and its renewal:—(1) Every Mineral Dealer and any person desirous of being registered as a Mineral Dealer under these rules shall apply to the District Collector concerned through the Deputy Director in triplicate, in Form –A along with the application fee of Rs.5,000/- (Rupees five thousand only) drawn in favour of the District Collector of the concerned District by designation. Separate application along with the said fee shall be submitted for each stockyard.

(2) On receipt of application under sub-rule (1), the Deputy Director shall acknowledge the receipt immediately in Form ‘B’ and the acknowledgment shall be sent to the applicant.

5. Processing of application by the District Collector:—(1) The Deputy Director shall maintain a register in Form 'C' wherein he will make necessary entries about the said application immediately after its receipt and its disposal in due course.

(2) The Deputy Director shall process the said application and place the proposal before District Collector for orders.

(3) (a) The District Collector may grant a registration certificate in Form 'D' within thirty days from the date of receipt of application. In case of refusal or rejection of the application, the reason shall be recorded in writing and communicated to the applicant within thirty days from the date of receipt of the application.

(b) Every Mineral Dealer who wishes to continue his registration certificate after expiry of the period for which it is granted, shall make an application in Form A along with application fee of Rs.5,000/- (Rupees five thousands only) to the District Collector through the Deputy Director before ninety days from the date of expiry of its period.

(c) The maximum period for which the registration certificate granted or renewed shall not exceed five years.

6. Transport permit and Transit pass.—(1) No person shall transport or otherwise remove or carry away any mineral from any place without obtaining a transit pass from the Deputy Director. Person desiring such passes should file an application before the Deputy Director in Form "F" duly specifying all the particulars prescribed therein.

(2) The application shall be accompanied by a copy of the permit showing payment of royalty / seigniorage on such mineral or other adequate proof of such payment.

(3) On receipt of an application under sub-rule (1), the Deputy Director may grant transit pass in Form-F for such period and subject to such terms and conditions as may be imposed by him or may refuse to grant such transit pass for the reasons to be recorded in writing and communicated to the applicant.

(4) Any person who transports the minerals and who is required to carry transit shall produce pass on demand to the authorized officer or any officer or authority who has been empowered under sub-section (4), section 21 of the Act.

7. Conditions.—The registration certificate shall be granted in Form D subject to the following conditions:-

(i) "All traders in minerals should be registered as dealers. However in the case of Mineral Dealers who deal exclusively with imported minerals of a variety not available in Tamil Nadu, no inspection of the units outside the State from which the minerals are secured will be done. The mineral traders however should file quarterly statement of their minerals imported into the State and produce proof of payment of any entry tax or other tax leviable by the State of Tamil Nadu whenever called upon to do so.

(ii) The grantee of registration shall maintain the details of minerals purchased and stocked and details of mineral transported from the stockyard and the balance of mineral available in the stockyard in Form-E. If the grantee of registration having more than one stockyard, each stockyard shall be registered separately and Form-E shall be maintained separately for each stock yard. The stockyards are liable for verification at any time by the authority or authorised officer.

(iii) The grantee of registration shall allow any authorised officer at any time to inspect the stockyard, factories to verify the stock of ores or minerals and take sample of the abstract from the records maintained by him.

(iv) Every grantee of registration shall allow the Competent Authority or the authorised officer to enter and inspect the stockyard including the premises of the factories where such mineral is processed and he may weigh, measure or take measurements of the stocks of the minerals at such stock yard or factory.

(v) All Officers who have been authorised under section 24 of the Act are empowered to search any place in which there is a reason to believe that offence is being committed and to seize any stock of minerals in respect of which the offence has been or is being committed.

(vi) The District Collector is empowered to issue any orders for inspections to be caused and for proper implementation of the Act and Rules within the jurisdiction of the concerned district. If any person is found to keep the mineral in the place other than in stockyard or if any grantee of registration is found to commit any offence or contravene any of the provisions of the Act or Rules including any discrepancies noted in Form-E in respect of any stockyard, the District Collector shall take suitable action.

8. Seizure and confiscation:—

(1) Every grantee of registration permitted to stock or transport minerals shall allow the authorised officer or authority empowered by the Government under the provisions of the Act or competent authority to enter and inspect any premises where the mineral is kept or stored or transported, including the premises where imported minerals are kept or stored.

(2) Every officer seizing mineral under these rules shall prepare the list of mineral seized and deliver a copy thereof signed by him to the person found in possession of such minerals. Thereafter the officer shall hand over such property to the concerned Tahsildar for safe custody. The Tahsildar shall fix the property with seal and send information to the District Collector for taking action.

9. Custody of the seized property.—

(1) The authorised officer shall keep the seized material or property under the custody of the institution belonging to Government or any responsible official of the Government as far as possible. Under normal circumstances, if illegal storage or transportation of mineral is noticed, the mineral may be handed over to the concerned Tahsildar with information to the officer incharge of nearby police station in writing.

(2) If the penalty is not paid within a week from the date of receipt of the copy of the proceedings, the seized property shall become the Government property and the same will be auctioned by the officer authorised by the District Collector in this regard.

10. Penalties.—

(1) Any person who contravenes any of the provisions of the rules, sells or stores minerals except under and in accordance with the Registration certificate of Registrar or who transports the minerals not in accordance with transport permit issued shall be punishable with a penalty upto a maximum of Rs.25,000/- by an order of the District Collector concerned.

(2) Any person who transports / stores mineral and takes minerals to a place except to the destination specified in the Transport permit, shall be punishable with the imprisonment for one year or with fine which may be extended up to Rs.25,000/- or with both, if the District Collector or Revenue Divisional Officer concerned within the respective jurisdiction files FIR and tries the case in a competent Court of Law in the District

Note: The above such fine or penalty should be imposed by the Court competent to take cognizance of the offence under Section 21(1) and FIR to be filed under Sec. 21(6) of Mines and Minerals (Regulation and Development) Act, 1957 and shall be disposed of in accordance with directions of such Court.

11. Appeals.—(1) Any person aggrieved by any order of the District Collector made under these rules may within thirty days from the date of communication of the order prefer an appeal to the Director of Geology and Mining.

(2) The Appellate Authority may for sufficient reasons condone the delay in filing the appeals.

12. Revision.—(1) Any person aggrieved by an order passed on an appeal under these rules may file an application for revision before the State Government within thirty days from the date of communication of such order.

(2) The Government may for sufficient reasons condone the delay in submission of revision application.

RAJEEV RANJAN,
Principal Secretary to Government.

THE SCHEDULE

FORM - A

[See rule 4(1).]

(Application for Registration/renewal)

- | | | |
|---|--|--|
| <p>1 Name of applicant (in full)</p> <p>2 Full address</p> <p>3 Profession</p> <p>4 Father's name in full
(In case of firm, give names and addresses of partners and person holding power of attorney to act on behalf of the firm).</p> <p>5 Specific place of stock or storage of mineral / place of processing mineral</p> <p>6 Financial status with details of Person i.e., property annual payment of Income Tax and any other relevant evidence regarding financial status</p> <p>7 Specific purpose for which Registration is applied for (Processing / Storing / Selling / Trading)</p> <p>8 Name of Mineral / Ore for which Registration is required</p> <p>9 Approximate quantity proposed to be stored / processed / trade / sold</p> <p>10 Evidence of payment of application fee</p> <p>11 Name and address of persons / firms from whom the Mineral / Ores will be purchased / Procured</p> <p>12 Period for which Registration is required</p> <p>13 In case of renewal, the number and date of original Registration</p> <p>14 Detail of Income Tax / Sales Tax Clearance Certificate</p> <p>15 Any other information.</p> | <p>(i) Survey No. :</p> <p>(ii) Village :</p> <p>(iii) Taluk :</p> <p>(iv) District :</p> <p>(v) Extent :</p> <p>(vi) Area of the stock or storage points:</p> <p>(vii) Specific boundaries of stock or storage point on four sides:</p> | <p>Challan No. : Date:</p> <p>Amount : :</p> <p>Paid at : :</p> |
|---|--|--|

PHOTO

Declaration

I/We hereby declare that I/We have read and understood all the provisions of the Tamil Nadu Prevention of Illegal mining, transportation and storage of minerals and mineral dealers Rules, 2010 and the conditions of the Registration made there under and I/We agree to abide by the same.

Place:

Date :

Signature of Applicant.

FORM-B

[see rule 4(2).]

(Acknowledgement of receipt of application for Registration)

Received copies of applications for grant of registration certificate for storing / selling/ transportation of mineral.....(Name of Mineral /Ore) Ore / Mineralfrom.....
Shri/ Smt.....Resident of P.O.P.S.....
District .. today with the following enclosures:

(1)

(2)

(3)

(4)

(5)

(6)

*Signature of the Assistant Director/
Deputy Director of Geology and Mining.*

Place:

Date :

FORM-C

[See rule 5(1).]

(Register of Applications for Grant of Registration and its Renewal)

<i>Sl.No.</i> (1)	<i>Date of receipt of application.</i> (2)	<i>Name of applicant.</i> (3)	<i>Address of applicant.</i> (4)	<i>Name of mineral/Ores.</i> (5)
<i>Place of Processing /Storing/Selling/Trading.</i> (6)	<i>Date of order of grant/refusal.</i> (7)	<i>Brief orders on appeal if any.</i> (8)	<i>Date of expiry of registration, if granted.</i> (9)	<i>Date of receipt of application for renewal.</i> (10)
<i>Date of grant of renewal.</i> (11)	<i>Period of renewal.</i> (12)	<i>Remarks.</i> (13)		

FORM-D

[See rule 5(2).]

Certificate of registration for transportation or Storage of Minerals under the Tamil Nadu Prevention of Illegal mining, transportation and storage of minerals and mineral dealers Rules, 2010.

In exercise of the powers conferred by rule 5(2) of the Tamil Nadu Prevention of Illegal Mining, Regulation of Transportation and Storage of Minerals Rules, 2010, District Collector of..... District this registration is hereby grant to

Thiru/ Tmt/ Tv/.....

(with address) for the purpose of storing / processing / consuming of (name of the mineral to be specified here) at Survey No..... ;village Taluk.....District

subject to the conditions stipulated in "Tamil Nadu Prevention of Illegal Mining and Transportation, Storage and Mineral dealers Rules, 2010."

This Registration is valid fromto(dates to be specified)

Place:

Date :

Seal :

District Collector.

FORM-E

[see rule 7(ii).]

(Account of ores/minerals to be maintained by the grantee of registration)

1. Name of the grantee of registration No. ..
2. Full Address ..
3. No. and date of registration ..
4. Period of Registration ..
5. Name of Mineral & Ore ..
6. Name of the person registered ..
7. Postal Address of the Factory/person registered ..
8. Designation of the Officer of the Department of Geology and Mining ..

Month and Year.
1

Date.
2

Opening balance of Mineral.
3

Quantity of Mineral.
4

*Quantity of Mineral
transported and permitted.*
5

*Quantity of Mineral
available after transport
to be removed.*
6

*Closing balance
of Mineral.*
7

Remarks.
8

FORM-F

[See rule 6 (1).]

TRANSIT PASS

Transit Pass Book No.....

Transit Pass/Serial No.....

To be filled by the Deputy Director of Geology and Mining in the District Concerned]

- | | | |
|---|--|--|
| 1 | Name and address of person registered under this rule (with registration No.) | Registration No.: |
| 2 | Place from which mineral is to be transported. | S.No. :
Village :
Taluk :
District : |
| 3 | Name of Mineral | |
| 4 | Quantity (Cbm / Volume) (to be specified). | |
| 5 | Number and details of transport permit issued by Deputy Director of Geology and Mining indicating payment of royalty / seigniorage fee on mineral being transported. | Transport permit No. :
Date :
No.of transit pass issued:
Sl.No. From..... To..... |

*Signature and Seal of
Assistant / Deputy Director.*

TO BE FILLED UP AT THE TIME OF DESPATCH OF MINERALS FROM THE STOCKYARD

- | | | | |
|----|--|----|------------------------|
| 6. | (a) Date and time of Despatch | .. | Date:Time: |
| | (b) Name and address of Person who purchased the mineral from the registree. | .. | |
| | (c) Destination to which mineral is being transported. | .. | |
| | (d) Approximate distance to the destination and route | .. | |
| | (e) Expected time to reach the destination | .. | |
| | (f) Mode of transport | .. | |
| | (g) Carrier Registration No. | .. | |
| | (h) Name of vehicle driver. | .. | |

*Signature of Driver
with date.*

*Signature of registree
with date.*

- Notes:-** (1) No over writing should be done
- (2) The original copy and the book has to be returned to the concerned authority after the book is exhausted.
- (3) The vehicle driver shall carry two copies of the transit pass during transit.

Draft notification

(For specifying the authorized Officers under Rule 2 (ii) of “Tamil Nadu Prevention of illegal mining Transportation, Storage and Mineral Dealers Rules, 2010”.)

In exercise of the powers conferred by sub-section (2) of Section 26 of the Mines and Minerals Development and Regulation Act, 1957 (Central Act, 67 of 1957), the Governor of Tamil Nadu hereby authorize officers not below the rank of the Deputy Tahsildars having jurisdiction over the area of the Revenue Department and officers holding the post of Assistant Geologist and above in the District concerned of the Department of Geology and Mining within the respective jurisdiction to exercise the powers on behalf of the Government for the purpose of Sub-section 2(d) and 2(e) of Section 23 – C of the Mines and Minerals Development and Regulation Act, 1957.

RAJEEV RANJAN,
Principal Secretary to Government.